

## IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

**LLYOD DEMOSS**  
**1300 South 11<sup>th</sup> Street,**  
**Apartment 317**  
**Saint Joseph, Missouri 64503**

**Plaintiff,**

Case No. \_\_\_\_\_

**v.**

Division No. \_\_\_\_\_

**TRIUMPH FOODS, LLC**  
**D/B/A: Triumph Foods**  
**5302 Stockyards Expressway**  
**Saint Joseph, Missouri 64504**

**Serve Registered Agent:**

**Joseph Diebold**  
**5302 Stockyards Expressway**  
**Saint Joseph, Missouri 64504**

**Defendant.****PETITION FOR DAMAGES**

COMES NOW Llyod DeMoss, hereinafter referred to as "plaintiff", by and through his attorney Russell C. Purvis of the Montee Law Firm, P.C. and for this cause of action against Triumph Foods, hereinafter referred to as "defendant states and alleges as follows:

**FACTS COMMON TO ALL COUNTS**

1. This is a cause of action for legal and equitable relief under the Missouri Worker's Compensation Law, RSMo. § 287.780.
2. The events giving rise to this cause of action occurred in the City of Saint Joseph, Buchanan County, Missouri; therefore venue is proper in this Honorable Court.
3. Plaintiff is and at all times relevant hereto was an individual residing in Buchanan County, Missouri.

**EXHIBIT****1**

4. Defendant was, at all times relevant hereto, a foreign corporation in good standing in Missouri, with a location in Saint Joseph, Missouri, and can be served by service of process on its registered agent as set forth above.
5. Plaintiff was hired by and an employee of Defendant, starting on or about October 3, 2005.
6. Plaintiff was forty-six years of age on or about October 3, 2005.
7. Plaintiff was fifty-four years of age on or about July 25, 2014.
8. On or about February 14, 2014 Plaintiff was injured while on the job.
9. As a result of Plaintiff's injury referenced in paragraph eight(8), Plaintiff filed a workers' compensation claim.

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10. Plaintiff was terminated by Defendant on or about July 25, 2014.

**COUNT I**  
**RETALIATORY TERMINATION PURSUANT TO R.S.MO § 287.780**

11. Plaintiff incorporates by reference paragraphs 1-10.
12. Plaintiff's exercise of his rights pursuant to the laws of Missouri governing workers' compensation claim was a contributing factor to Plaintiff's termination by Defendant.
13. Plaintiff was terminated in violation of Mo. Rev. Stat. § 287.780.
14. As a result of Defendants' actions, Plaintiff has suffered, and will continue to suffer, lost wages and emotional distress all to his detriment in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00).

**WHEREFORE**, Plaintiff Lloyd DeMoss prays for judgement against Defendant Triumph Foods in an amount in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00) for his costs and expenses incurred, and for such other relief as this Honorable Court deems just and fair.

**COUNT II**  
**AGE DISCRIMINATION PURSUANT TO THE AGE DISCRIMINATION IN**  
**EMPLOYMENT ACT, 29 U.S.C. § 621 ET. SEQ.**

15. Plaintiff incorporates by reference paragraphs 1-14.
16. Between October, 2005 and July, 2014, Plaintiff, was demoted from his current position, and/or refused a promotion three (3) times.
17. Each time that Plaintiff was demoted and/or overlooked, the position was replaced by an individual, younger than Plaintiff.
18. In July of 2014 Plaintiff was terminated, and was replaced by an employee that was younger than Plaintiff.

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19. Age was a substantial factor in demoting, denying promotion and eventual termination of Plaintiff, by Defendant.
20. Defendant's conduct as alleged constitutes discrimination based on age discrimination in violation of the Age Discrimination in Employment Act.
21. Defendant's stated reasons for dismissal are in fact false, but instead are pretext to hide Defendant's discriminatory animus towards Plaintiff.
22. As a result of Defendants' actions, Plaintiff has suffered, and will continue to suffer, lost wages and emotional distress all to his detriment in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00).

**WHEREFORE**, Plaintiff Lloyd DeMoss prays for judgement against Defendant Triumph Foods in an amount in EXCESS OF TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000.00) for his costs and expenses incurred, and for such other relief as this Honorable Court deems just and fair.

**JURY TRIAL DEMANDED**

Plaintiff demands a trial by jury on all issues so triable by law.

Respectfully submitted,

**MONTEE LAW FIRM, P.C.**



RUSSELL C. PURVIS, MO #41386

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Kansas City, Missouri 64131

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ATTORNEY FOR PLAINTIFF



**IN THE 5TH JUDICIAL CIRCUIT COURT, BUCHANAN COUNTY, MISSOURI**

Judge or Division: RANDALL R JACKSON	Case Number: <b>15BU-CV03231</b>
Plaintiff/Petitioner: LLOYD DEMOSS	Plaintiff's/Petitioner's Attorney/Address RUSSELL CLARK PURVIS MONTEE LAW FIRM, P.C. 10200 HOLMES ROAD KANSAS CITY, MO 64131  vs.
Defendant/Respondent: TRIUMPH FOODS, INC D/B/A TRIUMPH FOODS	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Other Miscellaneous Actions	<b>STATUS REVIEW HEARING DATE:12-17-15 @ 8:30AM, DIV 1</b>

(Date File Stamp)

**Summons in Civil Case**

**The State of Missouri to:** **TRIUMPH FOODS, INC D/B/A TRIUMPH FOODS**

**Alias:**

**RA: JOSEPH DIEBOLD  
5302 STOCKYARDS EXPRESSWAY  
ST. JOSEPH, MO 64504**



**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

**Monday, September 21, 2015**

Date

**/s/K. DOBOSZ, Deputy Clerk**

Clerk

**BUCHANAN COUNTY**

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title). \_\_\_\_\_

other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St JOSEPH), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_

(time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees**

Summons	\$_____
Non Est	\$_____
Sheriff's Deputy Salary	\$_____
Supplemental Surcharge	\$_____ 10.00
Mileage	\$_____ (_____ miles @ \$._____ per mile)
<b>Total</b>	\$_____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 5TH JUDICIAL CIRCUIT COURT, BUCHANAN COUNTY, MISSOURI

Judge or Division: RANDALL R JACKSON	Case Number: 15BU-CV03231
Plaintiff/Petitioner: LLOYD DEMOSS	Plaintiff's/Petitioner's Attorney/Address RUSSELL CLARK PURVIS MONTEE LAW FIRM, P.C. 10200 HOLMES ROAD KANSAS CITY, MO 64131
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Return  
~~SEP 25 PM 2:52  
SEP 21 2015  
CLERK OF CIRCUIT COURT  
JK~~

(Date File Stamp)

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OCT 2 PM

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leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 18 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to

*Joseph Diebold CSO* (name) \_\_\_\_\_ (title).  
 other \_\_\_\_\_

Served at *5302 Stockyards* (address)

in *Burr* (County/City of St JOSEPH), MO, on *9/22/15* (date) at *1045* (time).

**DEPUTY LUIS DERH**

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ . \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

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